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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/741,802

12/22/2000

Michihide Kimura

1448.1007

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21171

7590

03/29/2007

STAAS & HALSEY LLP

SUITE 700

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EXAMINER

PAN, DANIEL H

ART UNIT

PAPER NUMBER

2183

MAIL DATE

DELIVERY MODE

03/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/741,802	KIMURA ET AL.	
	Examiner	Art Unit	
	Daniel Pan	2183	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 20-22 and 24-28.
- Claim(s) objected to: _____.
- Claim(s) rejected: 2-6, 13, 15 and 17 (with reopen, see explanation in item 11 below).
- Claim(s) withdrawn from consideration: claims 1, 7-12, 14, 16, 18, 19, 23, 29-32 have been canceled.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: IDS 11/27/06, 12/19/06.

Continuation of 11. does NOT place the application in condition for allowance because: Upon a further review, a likely "101" may be applicable to claims 6, 15 and 17 based on a broader reading of the claims. The reasons are provided herein in this action, it is so to clearly convey the applicant the reasoning in writing and give applicant an option before other action is taken. This advisory action is necessary for the purpose of constructive feedback from applicant to achieve efficiency in prosecution. Otherwise, a likely reopen of prosecution may result. The following shows how the 35 USC 101 would have been applicable :

As to Claim 6, although claim recites a rewritable register to prescribe the number of cycles from when an instruction of the specific application purpose instruction operating unit is issued to when it becomes possible to issue an immediately subsequent instruction that is the same as the instruction of the specific application purpose unit (see claim 6, lines 7-11), the feature of "it becomes possible" is not clearly defined. Therefore, the final result is unpredictable. Similar language is used for last paragraph of the claim, and presents no clear final result. Applicant is reminded that the focus is not on the step or feature taken to achieve a final result which is useful, tangible, and concrete, but rather a final result achieved which is useful, tangible, and concrete (See MPEP 2100). No definite final result can be found for rewriting the register. Although claim 6 further recites "it is possible to use a result thereof", the practical application of the result is unclear. Therefore, it is directed to nonstatutory subject matter.

As to claim 15, although claim 15 recites performing the exception processing for the first instruction, if the exception has occurred according to the reading of the register or the flag, no predictable result can be found if the exception has not occurred. Although claim 15 further recites the determination whether to perform the exception processing by reading the second register or the second flag before the execution of exception processing; the practical application of the exception processing is unclear. Therefore, no final result achieved which is useful, tangible, and concrete can be found. AND, therefore non-statutory. Similar analysis can be applied to claim 17 and render claim 17 the same conclusion.

Suggestions to overcome 101: provide practical application for the exception processing and for the use of the result. Provide predictable result.

Claims 20,21, 22 are found to have a practical application for reciting the feature of notify the interrupt control unit that an interruption to be generated and when the operation exception flag has been set to the valid state during the execution of the trap instruction to generate the interruption.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

DANIEL H. PAN
PRIMARY EXAMINER
GROUP